

Applicant: Carl J. Conforti
Serial No.: 10/796,438

REMARKS

Applicant respectfully submits the amendments to the claims without prejudice and without adding new matter to the specifications as filed

The following Amendments were made to the claims and remarks noted for the Examiner's review. The applicant feels the amendments overcome the references cited for the following reasons mentioned in this response.

The claims have been amended to further recite restrictions of a single component apparatus that may be disposed as a unit and clearly indicates within the application a one piece body formed with a receptacle and self sealing apparatus to hold articles that produce odor. The claims have also been amended to recite an apparatus with a single body disposable bag, and a secondary sealing member, that spans across the receptacle opening end to further prevent odor from escaping the chamber when an article is disposed within the apparatus. The claims also now recite the biodegradable apparatus that can be disposed of made of environmentally friendly materials. In the specification page 12 line 6 and page 14 line 6, make note of the "cellulose" or "natural fiber materials" or paper and thin layer of environmentally friendly plastic and or combination thereof as noted within the specification.

US Patent reference 5 116,139 Young, fails to teach or illustrate the new amended claims; Fig 4 illustrate stiffeners 54, 56 to keep the bag opening rigid, which may be acceptable for fluids, but not advantageous for a mass or solid to pass through the opening. Young also defines "a funnel comprising a pair of opposed sheets sealed at the seams, or may be formed of a single sheet, but does not illustrate or define a process or method the funnel is formed as a uniform body with the chamber or bag, folded to make a single component or apparatus that is disposable and or even environmentally friendly as shown in the applicants specification and figures.

The fluid container bag was designed for fluid passing through the bag, and does not offer the advantage of storing articles such as food and like solid mass. One may consider making the bag in a single piece, and the funnel in a single component and stiffener applied to the described bag, but the specification and drawings does not teach a one piece disposable odor containment bag as referenced in the 5 116, 139 invention.

The applicant also has added to the claims structure of the proposed invention a bag material that adheres to itself having at least one wall or side of the bag or opening with a self adhering property to seal out odors. The applicant also refined claims to note bio-degradable single component bag design that is useful in today's market, offering a self-sealing environmentally friendly bag.

US Patent reference 6,116,780 Young, fails to teach or illustrate the applicant's amended claims; Fig. 3 illustrates a 28 flutter valve, but the flutter valve itself is a component of the system, and Fig. 1- 6 clearly indicates the bag, and funnel as individual components that require additional cost of materials and assembly. The chamber as presented in the drawings may be functional for fluids, but when a solid matter passes through the valve and the valve is open, only with a single component to seal odors, the odors will escape the chamber or may be present in the chamber and escape to the external environment without a secondary seal or having the capacity to accept articles of substantial size or geometric shape, other than liquids. Although the valve may provide a solution for liquid waste, the valve clearly does not block odors if solid matter is disposed into the system.

Other disadvantages of the assembly and fit between the components (i.e. valve, bag, and funnel) of the referenced patent may permeate odors, where the present invention illustrates a single sealed design that allows the end user to dispose of the entire system or bag with minimum risk of the contents reaching the outside environment. The applicant references two sides of a second taper funnel (see Fig 276) having advantage of allowing articles to pass through the apparatus and seal the articles within the chamber of the bag. The specification does not recite static self sticking or sealing material, nor does the specification have a secondary seal for the system. The applicant has reviewed other cited references provided by the examiner and would like to add to the remarks that complex multiple component designs are illustrated in the drawings specifications and figures to provide an odor containment system. The US Patent 5,852,830, a portable urinal device, does not contain the odor when the device is open in use, and does not provide a means to dispose of solid waste matter. The US Patent 5,745,926 also provides a device for disposing liquid waste, and is made of multiple components, does not teach or illustrate a single component design that is environmentally friendly or had the ability to store rigid or semi rigid articles other than fluids.

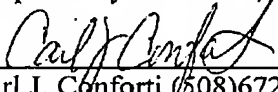
The applicant feels the proposed invention has benefits over the referenced patent and requests the claims to be allowed in view of the above remarks. The applicant's invention is a one piece self contained solution to odor containment, and has also been referenced in the revised claims with a secondary sealing member that is not in contact with the bag or internal to the bag assembly, therefore the bag itself can be disposed of without having multiple components, risk of the assembly failing, and or a need to place non environmentally friendly matter in our landfills. The applicant makes note there is no solution for an environmentally friendly system that will be more advantageous in today's market.

The amended claims add a distinct difference to the referenced US Patents without adding new matter. Further restrictions as disclosed in the embodiments include a spring member to provide a secondary seal to the bag in the receptacle area allowing the odor to be concealed in the bag and the apparatus provides a primary seal with its unitary design and also made of environmentally biodegradable material.

The applicant respectfully requests the Examiner's assistance in supporting the applicant if there is anything in the specification or drawings that may further support allowable claims. The applicant requests the examiner to assist the applicant in reviewing this response and the specification to revise the claims for an examiner's amendment allowable claim. The applicant reserves the right for a divisional application based on the multiple species noted in the original filed application.

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested.

Respectfully submitted,


Carl J. Conforti (508)672-8534